

HOUSE BILL NO. 796

INTRODUCED BY T. CALLAHAN

BY REQUEST OF THE HOUSE JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND
PUBLIC SAFETY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A STUDY OF MONTANA'S CORRECTIONAL
SYSTEM; PROVIDING AN APPROPRIATION AND TRANSFER OF FUNDS; AND PROVIDING EFFECTIVE
DATES."

WHEREAS, the Montana prison population continues to grow at a rate of 4% to 5% each year; and
WHEREAS, the recidivism rate among Montana's prison population remains higher than desired; and
WHEREAS, Montana has seven secure correctional facilities across the state that are 100 miles or more
apart, and transportation between facilities is costly and an ongoing concern; and

WHEREAS, overcrowded facilities and continued growth in the population within the correctional system
mean that additional secure correctional facilities must be established; and

WHEREAS, the population within Montana's correctional system has multiple human services needs,
including the need for medical care and for treatment of chemical dependency and mental illness; and

WHEREAS, costs for secure custody as well as for treatment continue to escalate and strain financial
resources; and

WHEREAS, a comprehensive study of Montana's correctional system is essential to assessing the
capacity of our current correctional system, projecting future needs, improving coordination between health and
human services and the correctional system, establishing funding priorities, and developing a strategic plan to
manage population growth within the correctional system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Study commission on Montana's correctional system. (1) There is a
study commission on Montana's correctional system composed of 15 members as follows:

(a) four members from the house of representatives, two from each party, appointed by the speaker

1 of the house;

2 (b) four members from the senate, two from each party, appointed by the senate committee on
3 committees; and

4 (c) the following members appointed by mutual agreement of the speaker of the house and the
5 president of the senate:

6 (i) a judge;

7 (ii) a sheriff;

8 (iii) a jail administrator;

9 (iv) an advocate for crime victims;

10 (v) a health care professional experienced with the health care needs within the correctional system;

11 (vi) a representative of the department of public health and human services experienced with the special
12 human services needs of Montana's correctional system population; and

13 (vii) a member proficient in criminology.

14 (2) Commission members must be appointed by June 1, 2005.

15 (3) The commission may adopt procedures to govern the conduct of commission business, shall elect
16 a presiding and vice presiding officer from among its members, and may elect or appoint other officers from
17 among its members as appropriate.

18 (4) (a) Legislators serving on the commission must be compensated and reimbursed as provided for
19 in 5-2-302 for actual and necessary expenses incurred for attending meetings or conducting commission
20 business.

21 (b) Nonlegislative members must be reimbursed as provided in 2-18-501 through 2-18-503 for actual
22 and necessary expenses incurred in attending meetings or conducting commission business.

23
24 **NEW SECTION. Section 2. Purpose and scope of study.** (1) The study commission established in
25 [section 1] shall conduct a comprehensive examination of Montana's correctional system. The purpose of the
26 study is to help develop a strategic plan concerning the establishment of correctional facilities, the delivery of
27 services within the correctional system, and the coordination of correctional services with health and human
28 services.

29 (2) The commission shall:

30 (a) analyze current state corrections policy and practices;

- 1 (b) examine historical trends and project future needs;
- 2 (c) examine best practices nationally and in other states used to reduce overcrowding, manage growth,
- 3 and meet health and human services needs for people under a state correctional system;
- 4 (d) consider various options for how best to:
- 5 (i) slow growth rates;
- 6 (ii) reduce recidivism;
- 7 (iii) provide for earlier releases; and
- 8 (iv) provide health care and treatment for chemical dependency and mental illness;
- 9 (e) examine transportation policies and practices and needs within the correctional system;
- 10 (f) review how health care and treatment for chemical dependency and mental illness are coordinated
- 11 between the department of public health and human services and the department of corrections, identify issues,
- 12 and examine options for improving and streamlining this coordination;
- 13 (g) review procedures to assist offenders with the transition from secure custody to community-based
- 14 programs;
- 15 (h) study how best to locate secure facilities in Montana; and
- 16 (i) study other issues within Montana's correctional system that are determined to be appropriate for
- 17 study by the commission.
- 18 (3) Based on the issues identified in the study, the commission shall:
- 19 (a) consider and analyze options for addressing the issues; and
- 20 (b) develop recommendations to facilitate the establishment of a short-term and long-range strategic
- 21 plan for providing secure correctional facilities and services that meet the state's policy goals.
- 22 (4) The commission shall conclude its study by September 15, 2006, and report its findings and
- 23 recommendations, including any recommended legislation, to the governor, the department of corrections, and
- 24 the 60th legislature.

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26 **NEW SECTION.** **Section 3. Staffing and resources.** (1) The legislative services division, the

27 legislative audit division, and the legislative fiscal division shall provide staff assistance as requested by the

28 commission.

- 29 (2) The commission may seek technical assistance and contract for consulting services.
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NEW SECTION. **Section 4. Appropriation -- transfer of funds.** (1) There is appropriated to the legislative services division for the biennium beginning July 1, 2005, the money transferred to the legislative services division in subsection (2) for the conduct of the study provided for in [this act].

(2) There is transferred from each of the following agencies to the legislative services division for the biennium beginning July 1, 2005, \$50,000 for the conduct of the study provided for in [this act]:

- (a) the department of corrections;
- (b) the department of public health and human services;
- (c) the department of justice; and
- (d) the judicial branch.

NEW SECTION. **Section 5. Effective dates.** (1) [Sections 1 through 3 and this section] are effective on passage and approval.

(2) [Section 4] is effective July 1, 2005.

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